

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Tuesday 22<sup>nd</sup> March 2016**

**Subject: Application to vary a premises licence held by Engine Shed, York Road, Wetherby, Leeds, LS22 5SU**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	<b>Wetherby</b>	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

This is an application to vary a premises licence, made by The Engine Shed (Wetherby) Ltd, for Engine Shed York Road, Wetherby, Leeds, LS22 5SU.

This application was previously scheduled before the Licensing Sub Committee on Tuesday 2<sup>nd</sup> February 2016. The committee determined to adjourn the hearing to a later date in order for a visit of the site to be conducted. It was determined that this was necessary as the premise was in close proximity to a number of residential properties in the surrounding area. Although agreements had been reached with the Environmental Protection Team there was still potentially a risk to neighbours regarding noise nuisance.

The venue is a Grade II listed building on York Road in Wetherby. The building comprises of 2 floors including 2 dance floors. The primary functions held at the premise are wedding receptions, dance events and occasional discos.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and/or responsible authorities.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of premises**

- 2.1 The premise has benefitted from a premise licence since November 2005 when an application was granted under grandfather rights to convert the Magistrates licence and the Public Entertainment Licence.

Over the years Transfer applications have been received and subsequently granted. In 2012 an application was received to vary the existing hours on Friday & Saturday nights and to amend conditions relating to fire safety which had now been superseded by the Fire Safety Act. This application was subsequently granted.

A Transfer application was received in August 2015 from the current Premise Licence Holder. No objections were received and the application was duly granted.

The premise has operated by way of Temporary Event Notices in order to extend the hours for events throughout the week.

This application has been made in order to allow the premise to hold functions with a later terminal hour Thursday to Sunday.

- 2.2 A copy of the existing licence is attached at **Appendix A**.

## **3 The application**

- 3.1 The applicant is The Engine Shed (Wetherby) Ltd.
- 3.2 Briefly the application is to:
  - To extend the terminal hour for sale by retail of alcohol for consumption both on and off the premise and late night refreshment on Thursday through to Sunday

## **4 The operating schedule**

- 4.1 The applicant proposes to promote the licensing objectives by taking the additional steps identified in the operating schedule which is included in the application form at **Appendix B**

## **5 Location**

- 5.1 A map which identifies the location of these premises is attached at **Appendix C**.

## **6 Representations**

- 6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### Representations from Responsible Authorities

- 6.2 Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Protection Team and West Yorkshire Police. A copy of the agreements may be found at **Appendix D**. It is brought to Members attention that any conditions which have been deemed as outdated or unnecessary have been removed in agreement with West Yorkshire Police.

### Other representations

- 6.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).
- 6.4 Entertainment Licensing is in receipt of three individual letters of objection, and a petition containing seven signatures, all of which are opposed to this application on the grounds of public nuisance.
- 6.5 In order to protect personal data, redacted copies of the representations are attached at **Appendix E**. Unredacted copies will be available at the hearing for Members consideration.

## **Licensing hours**

- 6.6 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 6.7 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 6.8 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**.

## **7 Equality and diversity implications**

- 10.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **8 Options available to Members**

8.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

## **9 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy